GAU 1754

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Date: 3/1/00

William J. Zak, Jr., Reg. No. 38,668

PATENT
Attorney Docket: 30-4012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Roman Renneke, et al. Appln. No.: 09/193,032 Filing Date: November 16, 1998 For: NO_x REMOVAL APPARATUS INCLUDING MANGANESE DIOXIDE AND COPPER OXIDE SUPPORT	Group Art Unit: 1754 Examiner: J. Strickland

RESPONSE UNDER 37 CFR § 1.143

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Dear Sir:

Applicants respectfully traverse the restriction requirement set forth in the Office Action mailed February 1, 1000 in the above-identified application. Nevertheless, in order to comply with the requirements of 37 CFR § 1.143, Applicants provisionally elect Claims 1-17 for prosecution on the merits. Although no fees are believed necessitated by the filing of this paper, any required fees may be charged to Deposit Account No. 01-1113.

The Examiner contends that the subject application includes two distinct inventions, which have been designated as Inventions I and II. Invention I, including Claims 1-17, has been characterized as being directed to an apparatus, classified in class 502, subclass 400. Invention II, including Claims 18-20, has been characterized as being directed to a process, classified in class 95, subclass 129. The Examiner contends that Inventions II and I are related as process and apparatus for its practice, respectively.

Applicants respectfully submit that Inventions I and II are sufficiently related such that a proper search of any of the claims of one invention would, of necessity, require a search of the others. Thus, it is submitted that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicants further submit that any nominal burden placed upon the Examiner to search an additional class/subclass or two necessary to determine the art relevant to Applicants' overall invention is significantly outweighed by the public interest in not having to obtain and study several separate patent documents in order to have available all of the issued patent claims covering Applicants' invention. The alternative is to proceed with the filing of multiple applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different Examiners on different occasions. This places an unnecessary burden on both the Patent and Trademark Office and on Applicants.

In the interest of economy, for the office, for the public-at-large, and for Applicants, reconsideration and withdrawal of the restriction requirement respectfully is requested.

Respectfully submitted,

Date: 3/1/00

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